



Patent
Customer No.: 022870
Docket No.: 22006.003US

**UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT OPERATIONS**

Applicant: Martin, Kenneth L.
Application No.: 09/710535
Filing Date: 9 November 2000
Title: SHOWERHEAD

Art Unit: n/a
Examiner: n/a

**PETITION UNDER 37 CFR 1.182 TO REINSTATE
PATENT APPLICATION**

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OFFICE OF PETITIONS

Box Petition - Fee
Commissioner for Patents
Washington DC 20231

4 March 2003
Atlanta GA 31156-7685

Sir:

Applicant petitions the Commissioner under 37 CFR 1.182 (questions not specifically provided for) to (1) reinstate Applicant's above-identified patent application, (2) transmit to Applicant a copy of all papers issued by the United States Patent and Trademark Office (USPTO) in connection with the Applicant's patent application, and (3) grant Applicant a period (as defined by the laws and regulations) to respond to any outstanding papers. This Petition is accompanied by the petition fee of \$130.00 under 37 CFR 1.17(h). However, as Applicant submits that the above-identified patent was abandoned because of an error made at the USPTO, Applicant requests a refund of this petition fee.

03/11/2003 SLUANG1 00000016 09710535

01 FC:1460

130.00 OP

I certify that I have deposited this document with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Commissioner for Patents, Box Petition - Fee, Washington DC 20231, this 4th day of March, 2003.


Laurence P. Colton



Commissioner for Patents
Washington, DC 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/710,535	11/09/2000	Kenneth L. Martin	22006.003US

22870
TECHNOPROP COLTON, L.L.C.
P O BOX 567685
ATLANTA, GA 311567685



CONFIRMATION NO. 5810
ABANDONMENT/TERMINATION
LETTER



OC00000009184114

Date Mailed: 12/03/2002

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 05/01/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

Nathaniel R. Hansen

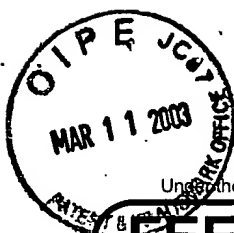
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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OFFICE OF PETITIONS



PTO/SB/17 (1-03)

Approved for use through 04/30/2003. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$130.00

Complete if Known

Application Number 09/710535

Filing Date 11-09-2000

First Named Inventor MARTIN

Examiner Name

Group Art Unit 3752

Attorney Docket No. 22006.003US

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit card ☐ Money ☐ Other ☐ None☐ Deposit Account:Deposit
Account
NumberDeposit
Account
Name

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee
to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					\$0.00

2. EXTRA CLAIM FEES FOR UTILITY AND

Extra Claims		Fee from below	Fee Paid
Total Claims	-20** =		
Independent Claims	-3** =		
Multiple Dependent			

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					\$0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non - English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130.00
1807	50	1807	50	Processing fee under 37 CFR § 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Statement	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) \$130.00

SUBMITTED BY

Name	Laurence P. Colton	Registration No. (Attorney/Agent)	33,371	Telephon	770.522.9762
Signature		Date	4 March 2003		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

BACKGROUND

Applicants received a Notice of Abandonment dated 03 December 2002 from the Initial Patent Examination Division of the USPTO on the allegation that Applicant failed to timely and properly respond to a Notice to File Missing Parts allegedly mailed to Applicant on 01 May 2001. **Applicant did not receive the Notice to File Missing Part allegedly mailed on 01 May 2002.**

More particularly, leading up to the Notice of Abandonment, the events are as follows:

1. On 09 November 2002, Applicant filed Applicant's application titled SHOWERHEAD at the USPTO.
2. On 17 May 2001, the USPTO mailed an "Updated Filing Receipt" listing the wrong inventors. See Exhibit A.
3. On 24 August 2001, Applicant filed a Request for Corrected Filing Receipt to correct the error made by the USPTO. See Exhibit B.
4. On 24 June 2002, after not receiving a response from the USPTO to Applicant's Request for a Corrected Filing Receipt for ten (10) months, Applicant filed a Status Inquiry at the USPTO to obtain the status of Applicant's patent application. See Exhibit C.
5. On 15 July 2002, an examiner at the USPTO, following up on Applicant's Status Inquiry, notified Applicant's attorney of record by telephone that a First Action would be mailed to Applicant within a month. See Exhibit D (which is a copy of Applicant's attorney's note regarding the telephone call).
6. On 03 December 2002, the USPTO mailed Notice of Abandonment on the allegation that Applicant failed to timely and properly respond to Notice to File Missing parts allegedly mailed on 01 May 2001 (Applicant's attorney of record did not receive the Notice to File Missing Parts).

DISCUSSION

The USPTO improperly abandoned Applicant's patent application. The USPTO has the authority to abandon an application for the failure to respond to a notice, when an applicant has been given notice that a reply was required. 35 USC 133. As Applicant did not receive the Notice to File Missing Part allegedly mailed 01 May 2001 and as such notices are not public record, it was impossible for Applicant to respond to the Notice or for Applicant to have knowledge that such a notice was mailed. Further, Applicant's attorney of record diligently prosecuted this patent application, filing both a Request for a Corrected Filing Receipt and a Status Inquiry. For these reasons, *inter alia*, Applicant should be given an opportunity to respond to the Notice to File Missing Parts and to prosecute the above-identified patent application.

As can be seen from the enclosed papers, Applicant acted diligently in prosecuting this patent application. When the incorrect Filing Receipt was received, Applicant duly notified the USPTO and requested correction. When correction was not forthcoming in 10 months, Applicant duly filed a Status Inquiry. And the USPTO responded to the Status Inquiry by telephone, indicating that a first Office Action would be forthcoming within a month. However, the "Office Action" Applicant received was a Notice of Abandonment indicating that a Notice to file Missing Parts has been sent on 1 May 2001, which is entirely inconsistent with everything that had occurred to date.

Based on the incorrect inventors listed on the Filing Receipt, Applicant presumes that the Notice to File Missing Parts actually was sent to a different address, probably the address for the patent application filed by the incorrect inventors.

REQUESTED ACTION

Applicant petitions the Commissioner to:

1. Reinstate Applicant's above-identified patent application without prejudice;
2. Reissue and Retransmit to Applicant a copy of all papers issued by the USPTO in connection with the Applicant's patent application;

3. Correct the Inventorship and Filing Receipt in this patent application as requested by Applicant on 24 August 2001 and issue a corrected filing receipt with the proper information; and
4. Grant Applicant a period (as defined by the laws and regulations) to respond to any outstanding papers.

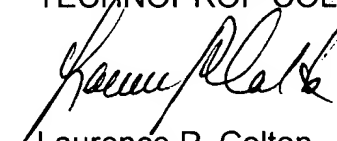
Further, as the need for this petition was due to the action of the USPTO, Applicant requests a refund of the \$130.00 fee under 37 CFR 1.17(h).

CONCLUSION

This patent application was improperly abandoned by the USPTO and should be reinstated without charge and without prejudice to Applicant.

If the USPTO has any questions regarding these documents or this patent application, please contact the below-signed attorney of record.

Respectfully submitted,
TECHNOPROP COLTON LLC



Laurence P. Colton
Reg. No. 33,371

TECHNOPROP COLTON LLC
PO Box 567685
Atlanta GA 31156-7685

Tel: 770.522.9762
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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/710,535	11/09/2000	3752	420	22006.003US	2	20	2

22870
TECHNOPROP COLTON, L.L.C.
P O BOX 567685
ATLANTA, GA 311567685



CONFIRMATION NO. 5810

UPDATED FILING RECEIPT



OC000000006086541

Date Mailed: 05/17/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Yiwen Li, Kornhill, HONG KONG;
Wejjia William Lu, South Horizons, HONG KONG;
Man Chee Kenneth Cheung, Hong Kong Garden, HONG KONG;
Dip Kei Keith Luk, Scenic Villa, HONG KONG;
Chi Yan Keith Luk, Scenic Villa, HONG KONG;

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/174,204 01/03/2000

Foreign Applications

If Required, Foreign Filing License Granted 02/02/2001

Projected Publication Date: N/A

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Showerhead

RECEIVED

MAR 12 2003

OFFICE OF PETITIONS

Preliminary Class

239

Data entry by : DADE, JOAN

Team : OIPE

Date: 05/17/2001



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OFFICE OF PETITIONS

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15 (b).

PLEASE NOTE the following information about the Filing Receipt:

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231



Patent
Customer No.: 022870
Docket No.: 22005.004US

**UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT OPERATIONS**

Applicant:	MARTIN, Kenneth L.	Art Unit: 3752
Application No.:	09/710535	Examiner: Not Assigned
Filing Date:	09 November 2000	
Title:	SHOWERHEAD	

REQUEST FOR CORRECTED FILING RECEIPT

Assistant Commissioner For Patents
Office of Initial Patent Examination
Customer Service Center
Washington DC 20231

24 August 2001

Atlanta GA 31156-7685

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MAR 1 2 2003

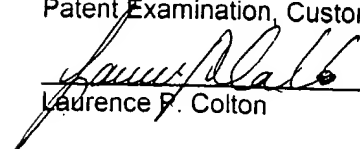
OFFICE OF PETITIONS

Sir:

Please issue a corrected Filing Receipt for the above-identified patent application. The name, city of residence, and citizenship of the sole inventor Kenneth L. MARTIN is not listed on the Filing Receipt. The names presently listed on the Filing Receipt should be deleted because they are not inventors of the invention disclosed by the patent application. There is only ONE (1) inventor as described below. The correct inventor, city of residence, and citizenship is listed properly in the application papers as originally filed and is as follows:

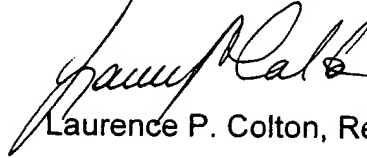
Inventor:	City of Residence:	Citizenship:
Kenneth L. MARTIN	Simpsonville, SC	US

I certify that I have deposited this document with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Assistant Commissioner for Patents, Office of Initial Patent Examination, Customer Service Center, Washington DC 20231, this 24th day of August, 2001.


Laurence P. Colton

The error was on the part of the USPTO and no fee is due.

Respectfully submitted,



Laurence P. Colton, Reg. No. 33,371

TECHNOPROP COLTON LLC
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Atlanta GA 31156-7685
Tel: 770.522.9762
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OFFICE OF PETITIONS



UNITED STATES PATENT AND TRADEMARK OFFICE

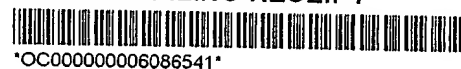
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/710,535	11/09/2000	3752	420	22006.003US	2	20	2

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ATLANTA, GA 311567685



CONFIRMATION NO. 5810
UPDATED FILING RECEIPT



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Date Mailed: 05/17/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

~~Yiwen Li, Kornhill, HONG KONG;
Weijia William Lu, South Horizons, HONG KONG;
Man Chee Kenneth Cheung, Hong Kong Garden, HONG KONG;
Dip Kei Keith Luk, Scenic Villa, HONG KONG;
Chi Yan Keith Luk, Scenic Villa, HONG KONG;~~

Martin, Kenneth L.,
SIMPSONVILLE, SC

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/174,204 01/03/2000

Foreign Applications

If Required, Foreign Filing License Granted 02/02/2001

Projected Publication Date: N/A

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Showerhead



Patent
Customer No.: 022870
Docket No.: 22006.003US

**UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT OPERATIONS**

Applicant: MARTIN, Kenneth L.
Application No.: 09/710535
Filing Date: 09 November 2000
Title: Showerhead

Art Unit: 3752
Examiner: Not Assigned

STATUS INQUIRY

Commissioner for Patents
Box OIPE
Washington DC 20231

24 June 2002
Atlanta GA 31156-7685

RECEIVED

MAR 1 2 2003

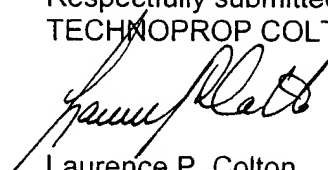
OFFICE OF PETITIONS

Sir:

More than 12 months have passed since the receipt of the Official Filing Receipt, dated 17 May 2001, for the above captioned patent application. No further communication has been received from the USPTO. Applicant would appreciate receiving an update on the status of the above captioned patent application.

If you have any questions, please contact the below signed attorney.

Respectfully submitted
TECHNOPROP COLTON LLC


Laurence P. Colton
Reg. No. 33,371

TECHNOPROP COLTON LLC
PO Box 567685
Atlanta GA 31156-7685

Tel: 770.522.9762
Fax: 770.522.9763
E-Mail: technoprop@technoprop.com

I certify that I have deposited this document with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Commissioner for Patents, Box OIPE - No Fee, Washington DC 20231, this 24th day of June, 2002.


Laurence P. Colton

J Larry Colton

Modified:

Mon 07/15/2002 3:43 PM

USPTO Status Inquiry-

22006.003US Status - we'll be receiving a first action in one month.